

David R. Boyajian, OSB #112582
Email: dboyajian@schwabe.com
Kent Roberts, OSB #801010
Email: ckroberts@schwabe.com
SCHWABE, WILLIAMSON & WYATT, P.C.
1211 SW 5th Ave., Suite 1900
Portland, OR 97204
Telephone: 503.222.9981
Facsimile: 503.796.2900

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DRY BULK SINGAPORE PTE. LTD.)	
)	
Plaintiff,)	
)	Case No.: 3:19-cv-1671
v.)	
)	IN ADMIRALTY
Amis Integrity S.A. <i>in personam</i> and)	
M/V AMIS INTEGRITY (IMO 9732412))	
her engines, freights, apparel,)	
appurtenances, tackle, etc., <i>in rem</i> ,)	
)	
Defendant.)	

**EX PARTE MOTION FOR AN ORDER APPOINTING TRANSMARINE NAVIGATION
CORPORATION AS SUBSTITUTE CUSTODIAN**

COMES NOW Plaintiff, DRY BULK SINGAPORE PTE. LTD. (hereinafter "DRY BULK" or "Plaintiff"), by and through undersigned counsel, and moves *ex parte* for an Order directing the United States Marshal for this District to transfer custody of the M/V AMIS INTEGRITY (hereinafter the "Vessel") to the substitute custodian, Transmarine Navigation Corporation

(hereinafter “Transmarine”), by and through its authorized representatives, located at 511 SW 10th Avenue #1004, Portland, Oregon 97205; immediately following arrest and seizure of the Vessel in Tacoma, Washington.

As grounds for this motion, Plaintiff states the following:

1. The Vessel is or will soon be berthed/or at anchorage, at the XXXXXX within the District of Oregon. In order for the Vessel to remain in the hands of a competent person and to save unnecessary expenses, Plaintiff wishes to have Transmarine, an experienced substitute custodian approved by the United States Marshal Service throughout the United States, to be appointed as substitute custodian of said Vessel.

2. Transmarine has agreed to act as substitute custodian of the Vessel in lieu of the United States Marshal, and to serve as substitute custodian of the Vessel while it remains in custodia legis or until further notice of the Court. As set forth in the Declaration of Philip Brotherton, Transmarine has expertise and experience to serve as an acceptable substitute custodian and to provide the care, maintenance, and security of the Vessel.

3. Should this Court see fit to grant this Motion, Plaintiff agrees to release the United States, the United States Marshal and/or the person specially appointed to arrest the vessel M/V AMIS INTEGRITY, from any and all liability and responsibility arising out of the care and custody of the Vessel, from the time the United States Marshal or special person appointed to serve process transfers possession of said Vessel over to said substitute custodian.

4. The Plaintiff further agrees to hold harmless and indemnify the United States, the United States Marshal or the person specially appointed to arrest the Vessel from any and all claims whatsoever arising out of the Substitute Custodian's possession and keeping of said Vessel.

WHEREFORE, in accordance with the representations set forth herein and in the accompanying declaration, Plaintiff requests this Honorable Court to enter an order: appointing Transmarine Navigation Corporation as the substitute custodian for the M/V AMIS INTEGRITY and directing the Marshal of this District to surrender the possession and custody of the Vessel to Transmarine Navigation Corporation, by and through its authorized representatives and that upon such surrender, the Marshal be discharged from his duties and responsibilities for the safekeeping of the Vessel and held harmless for any and all claims arising out of said substituted possession and safekeeping of the Vessel.

///

///

///

///

///

///

///

///

///

///

Additionally, Plaintiff requests that the Court further Order that the Vessel be allowed to conduct normal cargo operations, both discharging and loading, repair works, and to shift berths, always remaining within this judicial district, but at the risk and expense of the vessel's interests.

Dated: October 17, 2019

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

By: s/David R. Boyajian
David R. Boyajian, OSB #112582
dboyajian@schwabe.com
Kent Roberts, OSB #801010
ckroberts@schwabe.com
Telephone: 503.222.9981
Facsimile: 503.796.2900

Attorneys for Plaintiff

Of Counsel
CHALOS & CO, P.C.
Michael G. Chalos
Pro Hac Vice Application Forthcoming
Briton Sparkman,
Pro Hac Vice Application Forthcoming
Attorneys for Plaintiff
55 Hamilton Ave.
Oyster Bay, NY 11771
Telephone: (516) 714-4300
Email: michael.chalos@chaloslaw.com
bsparkman@chaloslaw.com